

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CAREN BRITT,

Plaintiff

v.

S. RAY DERUSSE, VETERANS GROUP
LIFE INSURANCE and THE PRUDENTIAL
INSURANCE COMPANY OF AMERICA,

Defendants

CIVIL ACTION NO.

05 - 30197 - MAP

FILING FEE PAID:

RECEIPT # 306035
AMOUNT \$ 250.00
BY DPTY CLK WML
DATE 9/6/05

**NOTICE OF REMOVAL TO
UNITED STATES DISTRICT COURT**

PURSUANT TO 28 U.S.C. § 1441 (A)

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS:**

The Defendants, Veterans Group Life Insurance and The Prudential Insurance Company of America (hereinafter "Prudential" or the "Defendants"), pursuant to Section 1441 of Title 28 and 1331 of Title 28 of the United States Code and Rule 81.1 of the Local Rules, herewith files this Notice of Removal in the United States District Court for the District of Massachusetts from the Superior Court of the State of Massachusetts in and for Hampden County, and states the following in support of this Notice of Removal:

1. The Plaintiff, Caren Britt, filed an action against Prudential on or about August 17, 2005, in the Superior Court of the County Hampden.
2. On or about August 18, 2005, Plaintiff served Prudential with a copy of the Complaint via facsimile. See Facsimile from Plaintiff's Counsel dated August 18, 2005.
3. This Notice of Removal is filed in the United States District Court for the District of Massachusetts within the time allowed by law for removal of civil actions. The documents attached hereto as Exhibit "A" constitute all of the process and pleadings served upon Prudential by the Plaintiff to date.

4. This action is removable to this Court pursuant to Section 1441(a) and (b) of Title 28 of the United States Code, because this Court has original jurisdiction under Section 1331 of Title 28 of the United States Code as this civil action arises under the Constitution, laws, or treaties of the United States.
5. In particular, the Plaintiff's claims regarding the proceeds of a life insurance policy issued by the Veterans' Group Life Insurance present federal questions because they raise express or implied causes of action under the Constitution, federal statute, or international treaty.
6. The following bodies of law support a finding that the complaint raises an express or implied cause of action under the Constitution, federal statute or international treaty: the Veterans' Insurance Act of 1974, May 24, 1974, P.L. 93-289, amended August 6, 1991, 38 U.S.C. §§ 1965 et seq.
7. This Notice of Removal is being filed within thirty (30) days of service and receipt of the Summons and Complaint in accordance with Section 1446(b) of Title 28 of the United States Code.
8. A notice of the filing of this Notice of Removal and a true copy of this Notice of Removal will be filed with the Clerk of the Superior Court of the Commonwealth of Massachusetts in and for Hampden County, as required by Section 1446(d) of Title 28 of the United States Code.
9. Pursuant to Local Rule 81.1(a) shall, within thirty (30) days after filing a notice for removal of the action from state court to this court, file certified or attested copies of all records and proceedings in the state court and a certified or attested copy of all docket entries in the state court. See LR 81.1(a).

WHEREFORE, Veterans Group Life Insurance and The Prudential Insurance Company of America, pray that the action currently pending in the Superior Court of the Commonwealth of Massachusetts in and for Hampden County be removed to the United States District Court for the District of Massachusetts.

Respectfully submitted,

VETERANS GROUP LIFE INSURANCE
and THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

By Its Attorneys,

Dated: September 2, 2005

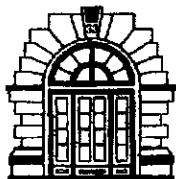
William T. Bogaert
William T. Bogaert, BBO # 546321
Carey L. Bertrand, BBO# 650496
Wilson, Elser, Moskowitz,
Edelman & Dicker, LLP
155 Federal Street
Boston, MA 02110
(617) 422-5300

CERTIFICATE OF SERVICE

I, Carey L. Bertrand, do hereby certify that I have served a true copy of the foregoing document on counsel of record by first class mail, postage prepaid on this 2nd day of September 2005.

Carey Bertrand
Carey Bertrand

EXHIBIT A

**BACON & WILSON, P.C. MORSE & SACKS FAX COVER SHEET**

33 STATE STREET
SPRINGFIELD, MA 01103
FAX (413) 739-7740
TELEPHONE (413) 781-0560

9 CHAPEL STREET
WESTFIELD, MA 01085
FAX (413) 562-0548
TELEPHONE (413) 562-6611

31 TRUMBULL ROAD
NORTHAMPTON, MA 01060
FAX (413) 584-0453
TELEPHONE (413) 584-1287

Date: 08/18/2005

File Number: 99999.234

Please deliver the following pages including cover sheet to:

Name: Cynthia Castell

Company: Office of Servicemembers' Group Life Insurance

Fax Number: 877/832-4943

Phone Number: 1-800-419-1473

From: Kate Glynn Assistant to Mark A Tanner

RE: Claim # 10610686

Message:

Cynthia,

Please accept for service of the attached documents. Please send this office a letter verifying that you have accepted service at your earliest convenience.

Please call with any questions or concerns.

Thank you.

If you do not receive all pages, please call as soon as possible:

Phone number: (413) 584-1287

Extension: 608

CONFIDENTIALITY STATEMENT

The document(s) accompanying this fax transmission may contain information that is Attorney-Client communication or may otherwise be privileged or confidential and exempt from disclosure under applicable law. It is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, or copying of the document(s) is prohibited by law. If you have received this fax in error, please notify us immediately at (413) 781-0560 so that we can arrange for the return of the document(s) to us at no cost to you.



**BACON &
WILSON**

P.C.

**MORSE
& SACKS**

ATTORNEYS AT LAW

31 TRUMBULL ROAD
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9 CHAPEL STREET
WESTFIELD, MA 01085-3009
FAX (413) 562-0548
PHONE (413) 562-0611

MICHAEL S. RATNER
PAUL R. SALVAGE
GARY L. FIALKY
MICHAEL B. KATZ
PAUL H. ROTHSCHILD
STEPHEN N. KREVALIN
HYMAN G. DARLING
MARK J. BEGLANE
GARY G. BRETON
MICHAEL J. COYNE
KENNETH J. ALBANO
RICHARD A. CORBERT
ROBERT S. MURPHY, JR.
PHILIP R. SMITH
FRANCIS R. MIRGIN
MICHELLE M. BEGLEY*
MARTIN C. DUNIN
JULIE A. DIALESSI-LAFLEY*
GINA M. BARRY*
DONNA L. WEXLER
JUSTIN H. DION*
ADAM J. BASCH*
GIUSEPPE E. BELLAVITA
BENJAMIN M. COYLE
BRETT A. KAUFMAN
TODD C. RATNER
HARLEY M. SACKS**
MARK A. TANNER**
*ADMITTED ALSO IN CT
**ADMITTED ALSO IN NY

OF COUNSEL
ELIZABETH A. GINTER

RETINUED
PHILIP C. SMITH
JAMES M. SWEENEY

GEORGE A. BACON
(1888-1945)
PETER D. WILSON
(1908-1989)
JUSTIN COHEN
(1913-1987)
JAY A. GABRIEL
(1900-2004)

www.bacon-wilson.com

August 18, 2005

VIA FACSIMILE

Cynthia Castell
Servicemembers' Group Life Insurance
290 West Mount Pleasant Avenue
Livingston, NJ 07039

RE: Caren Britt v. S. Ray DeRusse and Veterans Group Life Insurance and Prudential Insurance Company, Commonwealth of Massachusetts Hampden Superior Court Docket No.: 05-800

Dear Cynthia:

Pursuant to our telephone conversation, attached please find the following documents in regard to the above referenced matter:

1. Summons
2. Order of Notice;
3. Civil Cover Sheet;
4. Verified Complaint;
5. Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction;
6. Memorandum of Law in Support of Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction;
7. Proposed Order;
8. Affidavit of Mark A. Tanner, Esq. in Support of Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction;
9. Affidavit of Caren Britt in Support of Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction;
10. Affidavit of Robert Britt in Support of Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction; and
11. Order on Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction.

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PAGE 03/28

Please provide this office with a letter indicating that you have accepted service of the aforementioned documents at your earliest convenience.

If you have any questions, please do not hesitate to contact this office. Thank you for your prompt attention to this matter.

Very truly yours,

Kate Glynn
Kate Glynn
Assistant to Mark A. Tanner

KMG/hs
99999.234
402343

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PAGE 04/28

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED:
 TORT - MOTOR VEHICLE TORT - CONTRACT - EQUITABLE RELIEF - OTHER

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

**SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT
CIVIL ACTION
NO. 05-800**

CAREN BRITT, PLAINTIFF(S)

v.
S. RAY DeRUSSE and
VETERANS GROUP LIFE INSURANCE and
PRUDENTIAL INSURANCE COMPANY OF AMERICA, DEFENDANT(S)

SUMMONS

To the above named defendant:

You are hereby summoned and required to serve upon Mark A. Tanner, Esq. Bacon & Wilson, P.C. Morse & Sacks, plaintiff's attorney, whose address is 31 Trumbull Rd. Northampton, MA 01060, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Springfield either before service upon the plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esq., at Springfield the 17th day of August in the year of our Lord two thousand five.



Clerk / Magistrate

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

FORM No.1

NOTICE TO DEFENDANT -- You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's office.

08/18/2005 10:53 4135840453

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PAGE 05/28

Commonwealth of Massachusetts

HAMPDEN ss.

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT
CIVIL ACTION

No. 05-800

CAREN BRITT Plaintiff(s)

S. RAY DeRUSSE and VETERANS GROUP LIFE INSURANCE and
PRUDENTIAL INSURANCE COMPANY OF AMERICA Defendants**SUMMONS AND ORDER OF NOTICE**

To the above-named Defendants:

Mark A. Tanner, Esquire

You are hereby summoned and required to serve upon Bacon & Wilson, P.C./Morse & Sacks plaintiff's attorney, whose address is 31 Trumbull Road, Northampton, MA 01060 an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Springfield either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action, as appears in the Emergency Ex Parte Motion for Temporary Restraining Order and preliminary injunction and that a hearing upon such application will be held at the court house at said Springfield in the A session without jury of our said court on Thursday, the 25th day of August A.D. 2005, at 2:00 o'clock p.m., at which you may appear and show cause why such application should not be granted.

Witness, Barbara J. Rouse, Esquire, at Springfield the 16th day of August in the year of our Lord two thousand five.

CLERK/MAGISTRATE

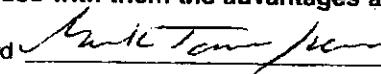
NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

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PAGE 06/18

CIVIL ACTION COVER SHEET		DOCKET NO.(S)	Trial Court of Massachusetts Superior Court Department County: 			
PLAINTIFF(S) CAREN BRITT		DEFENDANT(S) S. RAY DeRUSSE and VETERANS GROUP LIFE INSURANCE and PRUDENTIAL INSURANCE COMPANY OF AMERICA				
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Mark A. Tanner, Esq. Bacon & Wilson, P.C. Morse & Sacks 31 Trumbull Rd. Northampton, MA (413) 584-1287 Board of Bar Overseers number:		ATTORNEY (If known)				
Origin code and track designation						
Place an x in one box only: <input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X) <table style="margin-left: auto; margin-right: auto;"> <tr><td><input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X)</td></tr> <tr><td><input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)</td></tr> <tr><td><input type="checkbox"/> 6. E10 Summary Process Appeal (X)</td></tr> </table>				<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X)	<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)	<input type="checkbox"/> 6. E10 Summary Process Appeal (X)
<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X)						
<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)						
<input type="checkbox"/> 6. E10 Summary Process Appeal (X)						
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)						
CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?			
E99		(X)	() Yes () No			
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; Indicate single damages only.						
TORT CLAIMS (Attach additional sheets as necessary)						
A.	Documented medical expenses to date:					
1.	Total hospital expenses	\$				
2.	Total Doctor expenses	\$				
3.	Total chiropractic expenses	\$				
4.	Total physical therapy expenses	\$				
5.	Total other expenses (describe)	\$				
		Subtotal \$				
B.	Documented lost wages and compensation to date					
C.	Documented property damages to date					
D.	Reasonably anticipated future medical and hospital expenses					
E.	Reasonably anticipated lost wages					
F.	Other documented items of damages (describe)					
G.	Brief description of plaintiff's injury, including nature and extent of injury (describe)					
		\$				
		TOTAL \$				
CONTRACT CLAIMS (Attach additional sheets as necessary)						
Provide a detailed description of claim(s):						
		TOTAL \$				
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT						
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."						
Signature of Attorney of Record 		DATE: 8/17/05				

COMMONWEALTH OF MASSACHUSETTS**HAMPDEN , SS.****SUPERIOR COURT DEPT.
OF THE TRIAL COURT
Civil Action No.**

CAREN BRITT,)
Plaintiff)
)
)
v.)
)
S. RAY DeRUSSE and)
VETERANS GROUP LIFE INSURANCE)
and)
PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)
Defendants)

VERIFIED COMPLAINT**INTRODUCTION**

The Plaintiff brings this civil action, to determine the rightful owner of the proceeds of a life insurance policy on the life of Mr. Ronald H. Stewart (deceased) issued by Veterans Group Life Insurance.

PARTIES

1. Caren Britt is a natural person with a residential address of 36 Clayton Drive, West Springfield, Massachusetts.
2. S. Ray DeRusse is a natural person with a residential address of 2917 Lipscomb Street, Fort Worth, Texas 76110-3557.
3. Veterans Group Life Insurance/Servicemen's and Veterans Group Life Insurance (hereinafter "VGLI") is a life insurance company with an address of 213 Washington Street, Newark, New Jersey.

BACON & WILSON, P.C.
ATTORNEYS AT LAW
13 STATE STREET
INGFIELD, MA 01020
PHONE 1413-781-0560
FAX 1413-739-7740

3 CHAPEL STREET
SPRINGFIELD, MA 01020
PHONE 1413-562-2807
FAX 1413-562-7569

1 TRUMBULL ROAD
HAMPTON, MA 01040
PHONE 1413-584-1227
FAX 1413-584-0483

4. The Prudential Insurance Company of America is a New Jersey Corporation authorized to sell life insurance and annuities in all states, with a business address of 751 Broad Street, Newark, New Jersey.

FACTS

5. Ronald H. Stewart died on or about May 18, 2005 in Springfield, Hampden County, Massachusetts. See Attachment A, attached hereto and incorporated herein.
6. Prior to his retirement Ronald H. Stewart served in the United States Navy.
7. During his service in the United States Navy, Mr. Stewart obtained a Veterans Group Life Insurance Policy Numbered 026-40-4232.
8. Prior to his death Mr. Stewart resided with his sister, Caren Britt and her family, at 36 Clayton Drive, West Springfield, Massachusetts.
9. Caren Britt, is the sister of Ronald H. Stewart.
10. Based upon information and belief, S. Ray DeRusse is the former partner of Ronald H. Stewart.
11. On or about the year 1996 S. Ray DeRusse and Ronald H. Stewart ceased their relationship.
12. Based upon information and belief, the relationship between S. Ray DeRusse and Ronald H. Stewart was abusive, and that Mr. Stewart suffered bodily injury at the hands of Mr. DeRusse.
13. On or about October 28, 2000 Ronald H. Stewart named Caren Britt as the 100% beneficiary of his service member's retirement benefits. See Attachment B, attached hereto and incorporated herein.

IN & WILSON, P.C.
ATTORNEYS AT LAW
3 STATE STREET
SPRINGFIELD, MA 01103
PHONE (413) 781-0560
FAX (413) 739-7740

1 CHAPEL STREET
SPRINGFIELD, MA 01102
PHONE (413) 662-8607
FAX (413) 662-7589

1 TRUMBULL ROAD
HAMPTON, MA 01029
PHONE (413) 564-1267
FAX (413) 564-0489

08/18/2005 10:53 4135840453

BACON WILSON ÉÉÉÉÉ

PAGE 09/28

14. During his lifetime Mr. Stewart verbally informed Ms. Britt that she was the sole beneficiary of his life insurance policy.
15. During his lifetime Mr. Stewart verbally informed his stepson Glen Wilson that Ms. Britt was the sole beneficiary of his VGLI life insurance policy.
16. During his lifetime Mr. Stewart verbally informed other members of his family that Ms. Britt was the sole beneficiary of his VGLI life insurance policy.
17. On or about June 2, 2005, Ms. Britt telephoned the offices of VGLI with regard to Mr. Stewart's life insurance benefits and was informed that she was the designated beneficiary.
18. Based upon the June 2, 2005 telephone call, Ms. Britt submitted an application for payment of benefits under the VGLI life insurance policy.
19. Approximately five weeks after her submission for payment of benefits, Ms. Britt telephoned VGLI and was informed that she was not the named beneficiary.
20. Based upon information and belief S. Ray DeRusse is the named beneficiary.
21. Despite numerous requests VGLI will not release the name of the beneficiary, and instructed Ms. Britt to seek injunctive relief to resolve this matter.

First Claim for Relief**Declaratory Judgment**

1. The Plaintiffs hereby re-allege and incorporate by reference Paragraphs 1.

DN & WILSON, P.C.
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08/18/2005 10:53 4135840453

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PAGE 10/28

through 21. above, as though fully set forth herein.

2. There exists between the parties to this action an actual justifiable controversy regarding the rightful beneficiary of the aforementioned life insurance policy.

WHEREFORE, the Plaintiffs pray that this Honorable Court:

1. Adjudicate the adverse claims to the VGLI Insurance Policy Numbered 026-40-4232;
2. Award the Plaintiff, Caren Britt, the costs incurred in bringing this action; and
3. Grant such other and further relief as this Honorable Court may determine is just and proper.

DN & WILSON, P.C.
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PHONE (413) 781-0580
FAX (413) 739-7740

3 CHAPEL STREET
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HAMPTON, MA 01060
PHONE (413) 564-1287
FAX (413) 564-0453

08/18/2005 10:53 4135840453

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PAGE 11/28

VERIFICATION

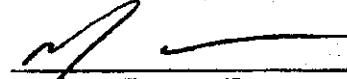
Caren Britt, being duly sworn, states that she has read the above Complaint and the attached documents, and that the facts stated therein are to her knowledge true.

Caren Britt
CAREN BRITT

Respectfully Submitted for the Plaintiff,

8-15-05

Date


Mark A. Tanner, Esq.
Bacon & Wilson, P.C./Morse & Sacks
31 Trumbull Road
Northampton, MA 01060
Telephone: (413) 584-1287
BBO No. 649532

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FAX (413) 584-0453

08/18/2005 10:53 4135840453

BACON WILSON ÉÉÉÉÉ

PAGE 12/18

INSTRUCTIONS ON REVERSE SIDE:

FOR USE BY
PHYSICIANS AND
MEDICAL EXAMINERSRE USE
ONLY

DOP

PC

PLATE

W.D.

W.B.

DOP

INFORMANT

Autop

Other

C.R.

CERTIFIER

Certification of Death
R-302) on File: IMPERMANENT
INK ONLY

The Commonwealth of Massachusetts

STANDARD CERTIFICATE OF DEATH
REGISTRY OF VITAL RECORDS AND STATISTICS

DECEASED	LAST NAME	MIDDLE NAME	SEX	REGISTERED NUMBER	STATE USE ONLY
	Ronald	Hamilton	M	Stewart	May 18, 2005
PLACE OF DEATH (City/Town)	COUNTY OF DEATH	HOSPITAL OR OTHER INSTITUTION - Name (If not in other, give street and number)			
Springfield	Hampden	Baystate Medical Center			
PLACE OF DEATH (Check only one): HOSPITAL <input checked="" type="checkbox"/> HOSPITAL <input type="checkbox"/> D.O.A. <input type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify)				SOCIAL SECURITY NUMBER	IF US WAR VETERAN SPECIFY WAR Vietnam
56	White	026-40-4232			
WAS DECEASED OF HISPANIC ORIGIN? If yes, specify Puerto Rican, Dominican, Cuban, etc.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Be Specific:				DECEDENT'S EDUCATION (Highest Grade Completed) Elementary School (1-12) College (1-4, 5-6)	
AGE - Last Birthday 56	UNDER 1 YEAR	UNDER 1 DAY	DATE OF BIRTH (Mo. Day, Yr.)	BIRTHPLACE (City and State or Foreign Country)	
	Mo.	Days	Feb 10, 1949	Birkenhead, England	
MARRIED, NEVER MARRIED Divorced	LAST SPOUSE (If not, give maiden name)	LAWFUL OCCUPATION (From - # Retired)			KIND OF BUSINESS OR INDUSTRY
	Nisha Unknown	Documents Manager			Pharmaceutical
RESIDENCE - NO. & ST. CITY/TOWN, COUNTY, STATE/COUNTRY				ZIP CODE	01089
36 Clayton Drive West Springfield Hampden Massachusetts					
FATHER - FULL NAME James Stewart	STATE OF BIRTH (not in U.S. name country)	MOTHER - NAME (Given) (Maiden)	STATE OF BIRTH (not in the U.S. name country)		
	England	Marilyn Stewart	England		
INFORMANT'S NAME Caren Briti	MAILING ADDRESS - NO. & ST. CITY/TOWN, STATE, ZIP CODE			RELATIONSHIP	
	36 Clayton Dr WEst Springfield MA			Sister	
DISPOSITION	FUNERAL SERVICE LICENSEE OR OTHER DESIGNEE			LICENSE #	
	Joseph J. Nowak			5957	
PLACE OF DEPOSITION (Name of Cemetery, Cemetery or other)	LOCATION (City/Town, State)				
Springfield Crematory	Springfield Massachusetts				
DATE OF DEPOSITION (Mo. Day, Yr.)	NAME AND ADDRESSES OF FACILITY OR OTHER DESIGNEE				01751
May 23, 2005	Nowak Funeral and Cremation Services 15 ludlow Ave Sofld MA				
PART I - Enter the dimensions, injuries, or complications that caused the death. Do not use only the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. List only one cause on each line (a group of PHENOMENON TYPE LEGIBLY)					
IMMEDIATE CAUSE (Final disease or condition resulting in death) → Cardiopulmonary Arrest					
Secondary list conditions, if any, leading to immediate death. Enter UNDERLYING CAUSE, disease or injury that initiated event resulting in death) LAST					
Coronary Artery Disease					
DUE TO (or AS A CONSEQUENCE OF)					
DUE TO (or AS A CONSEQUENCE OF)					
PART II - Other significant conditions contributing to death but not resulting in underlying cause given in Part I.					
30	WAS EXAM NOTIFIED (Yes or No) <input checked="" type="checkbox"/> YES	MANNER OF DEATH <input checked="" type="checkbox"/> NATURAL <input type="checkbox"/> HOMICIDE <input type="checkbox"/> COULD NOT BE DETERMINED <input type="checkbox"/> ACCIDENT <input type="checkbox"/> SUICIDE <input type="checkbox"/> PENDING INVESTIGATION	DATE OF INJURY (Mo. Day, Yr.)	TIME OF INJURY	WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or No)
			2005	200	<input checked="" type="checkbox"/> No
DESCRIBE HOW INJURY OCCURRED					
PLACE OF INJURY (All home, office, street, factory, office building, etc.) Specify					
LOCATION (No. & St. City/Town, State)					
36a To the best of my knowledge, death occurred at the time, date, and place and due to the cause(s) stated. <i>Jay Ishida MD</i>	37a On the basis of examination and investigation in my opinion death occurred at the time, date, and place and due to the cause(s) stated. <i>Jay Ishida MD</i>				
DATE SIGNED (Mo. Day, Yr.)	HOUR OF DEATH	To be completed by MEDICAL EXAMINER ONLY			
36b DATE SIGNED (Mo. Day, Yr.)	36c HOUR OF DEATH	37b DATE SIGNED (Mo. Day, Yr.)			
May 18, 2005	10:11 P.M.	37c PRONOUNCED DEAD (Mo. Day, Yr.)			
NAME OF ATTENDING PHYSICIAN IF NOT CERTIFIED					
36d NAME AND ADDRESS OF CERTIFYING PHYSICIAN OR MEDICAL EXAMINER (Type or Print)					
36e Jay Ishida MD 759 Chestnut Street Springfield, MA 01099					
36f WAS THERE A PRONONCEMENT FORM? (Yes or No) <input type="checkbox"/> NO	36g IF YES, DATE PRONOUNCED 40h	36i IF YES, TIME PRONOUNCED 40j	36k NAME OF PRONOUNCER 40l	37d LICENSE NO. OF CERTIFIER 37e TITLE 37f R.N. <input type="checkbox"/> P.A. <input type="checkbox"/>	
DATE PERMIT ISSUED 05/18/2005 <i>Maureen Massarelli</i>					
RECEIVED IN THE CITY/TOWN OF Springfield, MA 01102 CLERK'S SIGNATURE <i>Maureen Massarelli</i> CLERK'S SIGNATURE <i>Maureen Massarelli</i>					
DATE OF RECORD MAY 24 2005					

City of Springfield, Mass., May 25, 2005

I, Maureen Massarelli, am the Assistant City Clerk of the City of Springfield, Commonwealth of Massachusetts. That the records of births, marriages and deaths in said City are in my custody, and that the foregoing is a true copy of the return of a death on file in the office of the City Clerk of said Springfield.

Witness my hand and the seal of the said City of Springfield, May 25, 2005

Attest:

Maureen Massarelli
Assistant City Clerk of Springfield, Mass.



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PAGE 13/28

ALLSTATE LIFE
EXHIBITEXHIBIT
B

RETired MEMBER'S NAME RONALD HAMILTON STEWART		RETired MEMBER'S SSN 026 40 4232
TYPE OF ACTION: (CHECK ONE) <input type="checkbox"/> LEGAL ORDER OF PRECEDENCE <input checked="" type="checkbox"/> DESIGNATION OF BENEFICIARIES		
SHARE 100 %	NAME CAREN BRITT 010 50481 SISTER ADDRESS 36 CLAYTON DRIVE WSPD MASS 011	
SHARE %	FULL NAME ADDRESS	SSN RELATIONSHIP
SHARE %	FULL NAME ADDRESS	SSN RELATIONSHIP
RETired MEMBER SIGNATURE Ronald R Stewart		DATE OF SIGNAT JR 19-28-05
WITNESS SIGNATURE (other than designated beneficiary/Order of Precedence Person) Caren Britt		
WITNESS STREET ADDRESS 20721 Crystallill Cir		WITNESS CITY, STATE, ZIP CODE Glenmont MD 20874

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PAGE 14/23

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN , SS.

SUPERIOR COURT DEPT.
OF THE TRIAL COURT
Civil Action No.

CAREN BRITT,)
Plaintiff)
)
v.)
)
S. RAY DeRUSSE and)
VETERANS GROUP LIFE INSURANCE))
and)
PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)
Defendants)

Emergency *Ex Parte* Motion for
Temporary Restraining Order
and Preliminary Injunction

Now comes Caren Britt, Plaintiff in the above-captioned matter, and hereby moves this Honorable Court to issue a preliminary injunction, pursuant to Mass.R.Civ.P. 65, prohibiting and enjoining the Defendants, from paying the proceeds of a certain life insurance policy named in the Verified Complaint during the pendency of the present action.

In further support of this motion, please see the Verified Complaint of the Plaintiff, the Affidavit of Caren Britt, the Affidavit of Mark A. Tanner, Esq., as well as the Memorandum of Law in support hereof, all of which documents are attached hereto and made a part hereof. A proposed Order is also submitted herewith.

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PAGE 15/28

WHEREFORE, the Plaintiff respectfully requests that this Court issue a temporary restraining order and preliminary injunction, as set forth on the attached proposed Order.

Respectfully Submitted for
The Plaintiff

8-15-05

Date

ConenPorter

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COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.
OF THE TRIAL COURT
Civil Action No.

CAREN BRITT,)
Plaintiff)
v.)
))
S. RAY DeRUSSE and)
VETERANS GROUP LIFE INSURANCE))
and)
PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)
Defendants)

Memorandum of Law in Support
of Emergency *Ex Parte* Motion for
Temporary Restraining Order and
Preliminary Injunction

This is an action on a declaratory judgment to determine the rights of the named parties to a certain life insurance policy.

STATEMENT OF FACTS

The Plaintiff relies on the statement of facts set forth in the verified complaint which is incorporated herein by reference.

ARGUMENT

In order to succeed in a motion for preliminary injunction, a party must establish:

1. A likelihood of success on the merits;
2. That he will suffer irreparable harm in the absence of injunctive relief; and
3. That the balance of the irreparable harm weighs in his favor.

See, Hull Municipal Lighting Plant v. Massachusetts Municipal Wholesale Electric Co.,

399 Mass. 640, 648 (1987); Brookline v. Goldstein, 388 Mass. 443, 447 (1983); Packaging

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Industries Group, Inc. v. Cheney, 380 Mass. 609, 617 (1980).

In the Packaging Industries Group case, the Supreme Judicial Court declared that the trial Judge must initially look at the combination of the moving party's claim for injury and his chances for success on the merits. If the Court is convinced that the moving party would be subjected to irreparable harm without an injunction, and that there is a likelihood of success for the moving party, then the Court balances the moving party's risk of irreparable harm against any similar risk of irreparable harm which granting the injunction might create for the opposing party.

As will be fully demonstrated below, the Plaintiff's request for the preliminary injunction satisfies each of the requisite criteria. Also, when the balancing is done, the Court should find that the Plaintiff is entitled to the requested injunction because little, if any, irreparable harm would be incurred by the Defendants as a result of the requested injunction.

I. Plaintiffs Have a Substantial Likelihood of Success on the Merits.

The Plaintiffs can show by clear, testimonial evidence that Mr. Stewart intended, and believed Mrs. Britt was the beneficiary of his VGLI insurance policy and other service-related benefits. This is demonstrated not only by the statements he made during his lifetime, but also by the fact that he filled out certain forms changing his beneficiaries. Further, given the volatile end to the relationship between Mr. Stewart and Mr. DeRusse, it is unlikely that Mr. Stewart intended him to benefit in any manner from his death.

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II. Without a preliminary injunction, the Plaintiff will suffer irreparable harm.

Without the injunction, irreparable harm will result to the Plaintiff, including, but not limited to:

- A. The payment of the proceeds of Mr. Stewart's life insurance policy to an individual Mr. Stewart did not intend to benefit at the time of his death.
- B. The possibility that once such funds are paid, the ability of the Plaintiff to recover such funds will dissipate, as the cash proceeds are easily spent and/or converted.

III. A balance of harms clearly weighs in the Plaintiff's favor.

Where, as in the case at bar, the Plaintiff has demonstrated that the failure to issue the injunction would result in substantial risk of irreparable harm, and he has demonstrated a likelihood of success on the merits, the Court must balance the risk of irreparable harm to the Plaintiff against any similar risk which granting the injunction would create for the opposing party. See, Packaging Industries Group, 380 Mass. at 617.

In this instant case, no irreparable harm will occur to the Defendants should the Plaintiff's request for injunctive relief be allowed; since the proceeds of the life insurance policy at issue will not be paid to any individual or entity, rather they will be held until such time as this court is able to make a full and final determination of this matter.

CONCLUSION

For the foregoing reasons, the preliminary injunction should issue, preventing the Defendants, during the pendency of this action, from dispersing the proceeds of the life insurance at issue to any individual or entity.

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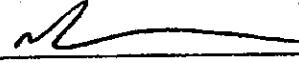
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PAGE 19/28

Respectfully Submitted the Plaintiff
By Her Attorney,

8-15-05

Date


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PAGE 20/20

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.
OF THE TRIAL COURT
Civil Action No.

CAREN BRITT,)
Plaintiff)
)
)
v.)
)
S. RAY DeRUSSE and)
VETERANS GROUP LIFE INSURANCE))
and)
PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)
Defendants)

ORDER OF THE COURT

Upon motion, and after notice and hearing, the Court finds and rules that the

Plaintiff has demonstrated that:

1. Without the relief hereby granted, she would suffer irreparable harm which is not capable of remediation by final judgment in law; and
2. There is a likelihood that she will prevail on the merits of this action at trial.

The Court finds and rules further that the above factors outweigh the probable harm to and the likelihood of prevailing on the merits by, the Defendants.

Accordingly, it is so ordered that UNTIL FURTHER ORDER OF THE COURT:

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PAGE 21/28

3. The Defendants are forthwith enjoined from making claim or disbursing the proceeds on any VGLI Insurance Policy originally issued to Ronald H. Stewart, including, but not limited to, Insurance Policy Number 026-40-4232.

SO ORDERED.

Date

, J.

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PAGE 22/23

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.
OF THE TRIAL COURT
Civil Action No.

CAREN BRITT,)
Plaintiff)
)
v.)
)
S. RAY DeRUSSE and)
VETERANS GROUP LIFE INSURANCE))
and)
PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)
Defendants)

Affidavit of Mark A. Tanner in
Support of Emergency *Ex Parte*
Temporary Restraining Order
Preliminary Injunction

Now comes Mark A. Tanner and, making this affidavit under the penalties of perjury, states that the allegations made below are true of his own knowledge, information and belief and, so far as the facts are stated to be upon information and belief, he believes such information to be true.

1. My name is Mark A. Tanner. I am an attorney at Bacon & Wilson, P.C./Morse & Sacks in Northampton, Massachusetts.
2. I am licensed to practice law in the State of New York and the Commonwealth of Massachusetts.
3. I have had numerous telephone conversations with representatives of Veterans Group Life Insurance (VGLI).
4. I have asked these representatives whether competing claims have been filed for the insurance death benefits of Mr. Stewart.

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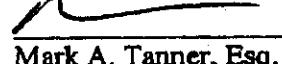
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PAGE 23/28

5. I have been informed by representatives of VGLI that they cannot provide me with information regarding the name of the beneficiary of Mr. Stewart's benefits, or whether claims have been made for such benefits.
6. I have been further informed by such representatives that they would not release such information without a court order, and that they would not withhold payment of such death benefits absent a court order.
7. The named defendants in this action are not physically located in the Commonwealth and will take some time to serve.

Signed this 15th Day of August 2005.



Mark A. Tanner, Esq.

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PAGE 24/23

COMMONWEALTH OF MASSACHUSETTS**HAMPDEN, SS.****SUPERIOR COURT DEPT.
OF THE TRIAL COURT
Civil Action No.**

CAREN BRITT,)
Plaintiff)
)
v.)
)
S. RAY DeRUSSE and)
VETERANS GROUP LIFE INSURANCE))
and)
PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)
Defendants)

**Affidavit of Caren Britt in
Support of Emergency *Ex Parte*
Temporary Restraining Order and
Preliminary Injunction**

Now comes Caren Britt and, making this affidavit under the penalties of perjury, states that the allegations made below are true of her own knowledge, information and belief and, so far as the facts are stated to be upon information and belief, she believes such information to be true.

1. My name is Caren Britt.
2. I reside at 36 Clayton Drive, West Springfield, Massachusetts.
3. My brother Ronald H. Stewart died on or about May 18, 2005 in Springfield, Hampden County, Massachusetts.
4. Prior to his retirement, Ronald H. Stewart served in the United States Navy.
5. During such service in the United States Navy, Mr. Stewart obtained a Veterans Group Life Insurance Policy Numbered 026-40-4232.

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6. Prior to his death, Mr. Stewart resided with my family and me at 36 Clayton Drive, West Springfield, Massachusetts.
7. Based upon information and belief, S. Ray DeRusse is the former partner of Ronald H. Stewart.
8. On or about the year of 1996 S. Ray DeRusse and my brother ceased their relationship.
9. Based upon information and belief, the relationship between S. Ray DeRusse and my brother was abusive and that Mr. Stewart suffered bodily injury at the hands of Mr. DeRusse.
10. On or about October 28, 2000 my brother named me as the 100% beneficiary of his service member's retirement benefits.
11. Since 2004, the Defense Finance and Accounting Agency mailed me a monthly check representing my brother's retirement.
12. During the time he lived with my family and me, my brother, on numerous occasions, informed me that I was the sole beneficiary of his life insurance policy and that he intended me to have the proceeds of the policy.
13. Based upon information and belief, during his lifetime my brother verbally informed his stepson Glen Wilson that I was the sole beneficiary of his VGLI life insurance policy. I have had conversations with Mr. Wilson in this regard.
14. During his lifetime Mr. Stewart verbally informed other members of his family that I was the sole beneficiary of his VGLI life insurance policy.

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PAGE 26/28

15. On or about June 2, 2005, I telephoned the offices of VGLI with regard to my brother's life insurance benefits and was informed that I was the designated beneficiary.
16. Based upon this telephone call, I submitted an application for payment of benefits under the VGLI Life Insurance Policy.
17. Approximately five weeks after my submission for payment of benefits, I telephoned VGLI and was informed that I was not the named beneficiary.
18. I believe S. Ray DeRusse is the named beneficiary.
19. Despite numerous requests VGLI will not release the name of the beneficiary, and instructed me to seek injunctive relief to resolve this matter or they would release payment to the "named" beneficiary.

Signed this 15th day of August 2005.

Caren Britt
Caren Britt

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PAGE 27/23

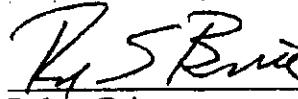
COMMONWEALTH OF MASSACHUSETTS**HAMPDEN , SS.****SUPERIOR COURT DEPT.
OF THE TRIAL COURT
Civil Action No.**

CAREN BRITT,)
Plaintiff)
)
v.)
)
S. RAY DeRUSSE and)
VETERANS GROUP LIFE INSURANCE))
and)
PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)
Defendants)

**Affidavit of Robert Britt in
Support of Emergency *Ex Parte*
Temporary Restraining Order and
Preliminary Injunction**

1. My name is Robert Britt.
2. I reside at 36 Clayton Drive, West Springfield, Massachusetts.
3. My brother in Law Ronald H. Stewart died on or about May 18, 2005 in Springfield, Hampden County, Massachusetts.
4. Prior to his death Ron lived with us for some period of time.
5. During this time Ron never spoke of Mr. DeRusse, although we knew they had previously been in a relationship.

Signed this 15th day of August 2005.



Robert Britt

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PAGE 28/28

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.
OF THE TRIAL COURT
HAMPDEN COUNTY
SUPERIOR COURT Civil Action No. 05-809
FILED

CAREN BRITT,
Plaintiff

AUG 16 2005


CLERK-MAGISTRATE

v.
S. RAY DeRUSSE and
VETERANS GROUP LIFE INSURANCE)
and
PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)
Defendants)

Emergency *Ex Parte* Motion for
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Now comes Caren Britt, Plaintiff in the above-captioned matter, and hereby moves this Honorable Court to issue a preliminary injunction, pursuant to Mass.R.Civ.P. 65, prohibiting and enjoining the Defendants, from paying the proceeds of a certain life insurance policy named in the Verified Complaint during the pendency of the present action.

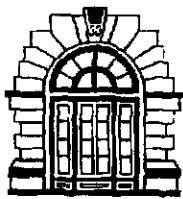
In further support of this motion, please see the Verified Complaint of the Plaintiff, the Affidavit of Caren Britt, the Affidavit of Mark A. Tanner, Esq., as well as the Memorandum of Law in support hereof, all of which documents are attached hereto and made a part hereof. A proposed Order is also submitted herewith.

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*Cont'd on reverse
to give a T.R.O.
Order of Notice my
place for hearing
on Prelim injunction
Attorneys
as per 05*



BACON & WILSON, P.C. MORSE & SACKS FAX COVER SHEET

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Date: 08/17/2005

File Number: 99999.234

Please deliver the following **2** pages including cover sheet to:

Name: Claims Examiner – Veterans Group Life Insurance

Company: BACON & WILSON, P.C. Morse & Sacks

Fax Number: 877/832-4943

Phone Number: _____

From: Mark A Tanner

RE: Claim # 10610686

Message:
 Please see the attached letter of representation.
 Please contact this office with any questions or concerns.

Thank you.

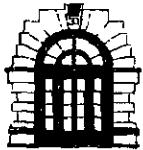
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**BACON &
WILSON**

— P.C. ——

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*ADMITTED ALSO IN CT
**ADMITTED ALSO IN NY

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PETER D. WILSON
(1908-1989)
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(1913-1987)
JAY A. GABRIEL
(1930-2004)

www.bacon-wilson.com

August 17, 2005

VIA FAX

Claims Examiner
Veterans Group Life Insurance

RE: Claim Number: 10618686

Dear Claims Examiner:

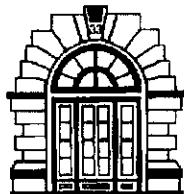
Please be advised that we represent Caren Britt with regard to a life insurance policy on Ronald Hamilton Stewart, SS# [REDACTED] 4232. Attached please find a copy of the Complaint filed in Hampden County Massachusetts Superior Court Docket No.: 05-800 regarding same. Please fax the information regarding to whom service should be made and any other pertinent information needed to make service and provide you proper notice.

Please feel free to contact this office with any questions or concerns.

Very truly yours,

Mark A Tanner

MAT/kmg
99999.234
402290



BACON & WILSON, P.C. MORSE & SACKS FAX COVER SHEET

33 STATE STREET SPRINGFIELD, MA 01103 FAX (413) 739-7740 TELEPHONE (413)781-0560	9 CHAPEL STREET WESTFIELD, MA 01085 FAX (413) 562-0548 TELEPHONE (413) 562-6611	31 TRUMBULL ROAD NORTHAMPTON, MA 01060 FAX (413) 584-0453 TELEPHONE (413) 584-1287
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Date: 08/17/2005

File Number: 99999.234

Please deliver the following pages including cover sheet to:

Name: Claims Examiner – Veterans Group Life Insurance

Company: BACON & WILSON, P.C. Morse & Sacks

Fax Number: 877/832-4943

Phone Number: _____

From: Mark A Tanner

RE: Claim # 10610686

Message:

Please see the attached letter of representation and copy of Complaint.
Please contact this office with any questions or concerns.

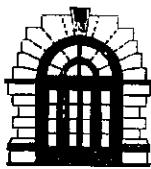
Thank you.

If you do not receive all pages, please call as soon as possible:

Phone number: (413) 584-1287 Extension: 608

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The document(s) accompanying this fax transmission may contain information that is Attorney-Client communication or may otherwise be privileged or confidential and exempt from disclosure under applicable law. It is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, or copying of the document(s) is prohibited by law. If you have received this fax in error, please notify us immediately at (413) 781-0560 so that we can arrange for the return of the document(s) to us at no cost to you.



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JAY A. GABRIEL
(1960-2004)

August 17, 2005

VIA FAX
Claims Examiner
Veterans Group Life Insurance

RE: Claim Number: 10618686

Dear Claims Examiner:

Please be advised that we represent Caren Britt with regard to a life insurance policy on Ronald Hamilton Stewart, SS# [REDACTED]-4232. Attached please find a copy of the Complaint filed in Hampden County Massachusetts Superior Court Docket No.: 05-800 regarding same. Please fax the information regarding to whom service should be made and any other pertinent information needed to make service and provide you proper notice.

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Very truly yours,

Mark A. Tanner

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JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Caren Britt

(b) County of Residence of First Listed Plaintiff Hampden
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mark A. Tanner, Esq., Bacon & Wilson, P.C./Morse & Sacks
 31 Trumbull Road, Northampton, MA 01060 (413) 584-1287

DEFENDANTS

S. Ray Derusse, Veterans Group Life Insurance and The
 Prudential Insurance Company of America

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
 LAND INVOLVED.

05 30197 - MAP

Attorney (If Known)
 William T. Bogaert & Carey L. Bertrand, Wilson, Elser, Moskowitz,
 Edelman & Dicker, 155 Federal Street, Boston, MA 02110

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <small>(Indicate Citizenship of Parties in Item III)</small>

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	LABOR	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 470 Racketeer Influence and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	HABEAS CORPUS:	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 530 General		<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 876 Black Lung (923)
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 877 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 878 DIWC/DIWV (405(g))
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	HABEAS CORPUS:		<input type="checkbox"/> 879 IRS—Third Party 26 USC 7609
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 880 Other Statutory Actions
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 881 Agricultural Acts
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 882 Economic Stabilization Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 894 Energy Allocation Act
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
--	--	--	---	--	---	--

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
38 U.S.C. §1965 et seq.

Brief description of cause:
 Dispute over proceeds of Veteran's life insurance policy.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/2/05

SIGNATURE OF ATTORNEY OF RECORD

C. L. B.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IJP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Britt v. DeRusse et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,
380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660,
690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

05 - 30197 - MAP

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Carey Bertrand, Wilson, Elser, Moskowitz, Edelman & DickerADDRESS 155 Federal St. Boston MA 02110TELEPHONE NO. 617-422-5300